

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION
AT JOPLIN

DARRELL McCLANAHAN,
Plaintiff

-Vs-

ANTI-DEFAMATION LEAGUE, et al.,
Defendants.

Case no.# 3:23-CV-05076-JAM

PLAINTIFF'S EXCEPTIONS TO
U.S. MAGISTRATE'S REPORT & RECOMMENDATION

COMES NOW, Plaintiff Darrell McClanahan, pro se, pursuant to F.R.Cv.P. and herein submits his exceptions to the U.S. Magistrate's Report & Recommendation filed December 15, 2023, in the above styled cause.

- 1.) Plaintiff takes exception to all of the adopted legal argument of Defendants in the United States Magistrate's Report and Recommendation, in the above styled cause.
- 2.) Specifically, the defendants intimated to their readers that they have "...been tracking McClanahan" (Plaintiff) "for years." This statement is completely FALSE as Plaintiff had not been into politics or any type of alleged activities claimed or insinuated by the Defendants in said published article.
- 3.) Said article, in applicable part reads as follows:

COE has been tracking McClanahan for years. An adherent of the racist and antisemitic religious sect Christian Identity, McClanahan has attended Church of Israel, a Missouri based Christian Identity church led by Dan Gayman, as well as events organized by the Knights Party, an Arkansas-based Christian Identity Klan group led by Thomas Robb. In 2019, he wrote an article for the Knights Party's

newsletter, The Torch, about his radicalization in the wake of “Unite the Right” rally in 2017. That same year he posted an image of his membership card to the League of the South, a white supremacist group that advocates for southern secession and an independent, white-dominated South.

- 4.) Reasonable care has not been taken by Defendants in ascertaining or communicating the underlying facts or that Defendants have not kept within the traditional boundaries of "fair comment" with relation to underlying facts and honest opinion. (Emphasis added.) The above stated are FALSE statements.
- 5.) What Defendants claimed they had been “tracking McClanahan for years” they knowingly published a false and damaging statement against Plaintiff.
- 6.) Plaintiff can prove that Defendants acted “with malice” if allowed to proceed with Discovery in the above styled cause. Plaintiff takes exception to the fact that his claims cannot be fairly determined without the Court allowing some reasonable Discovery in the above styled cause.
- 7.) Similar standards of reasonable investigation and presentation have long been applied in misrepresentation cases. See, e. g., International Products Co. v. Erie R. Co., 244 N.Y. 331, 155 N.E. 662; Nash v. Minnesota Title Ins. Trust Co., 163 Mass. 574, 40 N.E. 1039 Time, Inc. v. Hill, 385 U.S. 374, 410 n.6 (1967) (Emphasis added.)
- 8.) Because discovery has not been conducted in the above styled cause, and the fact exist that if Plaintiff’s allowed discovery he can show by clear and convincing evidence the Defendants knowingly published innuendo, insinuation and false statements solely to provide the element of “sensationalism” to their article Plaintiff can prove is unlawful, unethical and damaging to Plaintiff.

9.) While opposing counsel personally contacted Plaintiff leading Plaintiff to believe some type of mediation could resolve Plaintiff's complaint, such contact was questionably unethical. Additionally, Plaintiff has proceeded at all times in the above styled cause, without the aid or assistance of a lawyer or trained legal professional.

WHEREFORE, Plaintiff prays that this Honorable Court enter appropriate orders, declining to adopt said Magistrate's Report and Recommendation and to direct a Scheduling Order be issued to proceed with the above styled cause and for whatever other relief the Court deems proper.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Darrell McClanahan, Plaintiff, do herein certify that I have placed a true and correct copy of the above and foregoing in the U.S. Mail, postage prepaid, this ___ Day of December 2023, to: Counsel of Record for ADL and named Defendants.

Plaintiff,



Darrell McClanahan, Pro Se Plaintiff